

Exhibit G

Timothy J. Manning, III - February 14, 2005

Manning and Bryson vs. Mass. OCME, et al

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1	you do?	1	That your whistleblower status, so you are
2	A. In response to that, going to the union	2	saying that Exhibit No. 1 --
3	process, I felt that I needed to talk to	3	A. Yes.
4	an employment lawyer too. And that is why	4	Q. -- constitutes notice of a suit for
5	I contacted my attorney.	5	whistleblower status?
6	Q. Okay.	6	A. It constitutes that I am going to do
7	A. My current attorney.	7	something about the whistleblower's
8	Q. So just if I might, do you recognize this	8	challenge, yes.
9	document here?	9	Q. Okay. Now, I am going to show you now an
10	A. Okay. It looks familiar.	10	exhibit which we will mark as Exhibit No.
11	Q. Okay.	11	2, which is an e-mail from Joe Bryson that
12	A. I know my name is on it.	12	has as part of the e-mail trail an e-mail
13	Q. Is your signature on it as well?	13	from yourself.
14	A. No. My signature is not on it.	14	Do you recognize that e-mail?
15	Q. Okay. But you do recognize the document?	15	(Witness perusing document.)
16	A. Well, I recognize this as being a standard	16	A. It looks like it was to me from Jackie.
17	contract. I see my name is on it. I	17	Q. Keep going.
18	don't know what it is for.	18	A. Is that to Evans? Yes, I have seen this
19	Q. You don't believe that to be your	19	before. I have, yes.
20	employment contract?	20	MS. O'NEIL: Okay. If we might,
21	A. No. It is Robert Wright's contract.	21	can we mark this as Exhibit No. 2, please.
22	Q. Excuse me one second. Sorry about that.	22	(Document marked as Exhibit No. 2
23	You are exactly right. Excuse me. I am	23	for identification.)
24	sorry. I put the wrong one in. I take	24	Q. Have you had an opportunity to look at it
	158		160
1	that back.	1	more closely?
2	A. I am sorry. I never signed a contract.	2	(Witness perusing document.)
3	Q. My mistake.	3	A. Yes.
4	A. Okay.	4	Q. Now, you mentioned e-mails that you say
5	Q. Well, then is it fair to say that your	5	notified your employer about your
6	employment when you were employed at the	6	whistleblower claim.
7	OCME was covered by the CBA for Unit 6 of	7	A. Right.
8	NAGE?	8	Q. Do you state that this particular e-mail
9	A. Supposedly.	9	does that, Exhibit No. 2?
10	Q. Supposedly. What do you mean? Weren't	10	A. This, the purpose of this e-mail --
11	you a union member?	11	Q. Yes.
12	A. I would say yes then.	12	A. Was, I believe, another form of
13	Q. Okay. Fair enough. All right.	13	retaliation, was John Cronin basically
14	Now, apart from that, if I might,	14	gave me an EPRS form and a new Form 30.
15	you know, let's see if we are clear here.	15	Q. Okay.
16	Did you in writing notify your employer	16	A. Okay. And told me by the end of the day
17	that you were going to be filing suit	17	that I better have this filled out.
18	against them for your whistleblower	18	Q. Okay.
19	claims?	19	A. So basically, I told him that a Form 30 is
20	A. I notified my employer through this memo	20	pretty much a job description from NAGE
21	and subsequent, subsequent e-mails.	21	through the collective bargaining. An
22	Q. Yes.	22	EPRS form to be filled out in the middle
23	A. That I felt that my whistleblower status	23	of a year would totally defeat the
24	was being challenged illegally.	24	purpose. An EPRS form is an evaluation

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1	for a whole year.	1	of notice would be?
2	Q. Okay.	2	Q. Okay. Is it a written notification to
3	A. And basically, that I felt because of the	3	your employer that you are filing a
4	history of trying to get these issues	4	lawsuit for your whistleblower claims.
5	answered through Jackie Faherty, that she	5	A. I believe that it is evident that it shows
6	would be able to let him know or Doctor	6	that this is a strong possibility that
7	Evans know if he didn't already know that	7	this, this could be a ramification --
8	this was a very unfair thing to ask.	8	Q. So that would be a yes?
9	Q. Okay. I am not -- just so I am clear and	9	A. I would say it is a maybe.
10	concise here.	10	Q. A maybe. Okay. I would like to show you
11	A. Okay.	11	this third exhibit, please. There won't
12	Q. What I am going to ask you or what I am	12	be many.
13	asking and what I am going to continue to	13	A. Okay.
14	ask you is for you to identify which of	14	Q. Do you recognize that exhibit?
15	these writings that you state constitute	15	(Witness perusing document.)
16	your notice to your employer that you are	16	A. Yes.
17	going to bring a whistleblower's suit.	17	Q. Okay.
18	That is all I am asking.	18	A. It is basically almost the same thing as
19	A. Okay.	19	this one.
20	Q. So for instance, Exhibit No. 1, is that	20	Q. Now, what do you recognize it as, sir?
21	your notice that you are saying --	21	A. I recognize that as a message to Doctor
22	A. Yes. It specifically says whistleblowing	22	Evans, Jackie and whoever, Jackie
23	and that I am going to look into my	23	Faherty's and whoever's concern that I
24	options with regard to whistleblowing.	24	feel like I am being retaliated against
	162		164
1	Q. All right. So you are saying that	1	because of my whistleblowing.
2	constitutes -- I am sorry?	2	MS. O'NEIL: Okay. Can we have
3	A. Regarding the whistleblowing.	3	this marked as Exhibit No. 3, please.
4	Q. So you are saying that that constitutes	4	(Document marked as Exhibit No. 3
5	notice that you are going to be bringing a	5	for identification.)
6	whistleblower lawsuit to your employer?	6	Q. And I am going to ask you regarding
7	A. It constitutes that that would be one of	7	Exhibit No. 3, do you say that constitutes
8	the possibilities.	8	notice to your employer that you are going
9	Q. Okay. Exhibit No. 2, how would you	9	to be filing a whistleblower lawsuit?
10	characterize that document?	10	(Witness perusing document.)
11	A. I would characterize it that I felt that I	11	MS. FRANKL: Just three. She is
12	was being retaliated by John Cronin and my	12	just asking you a question about just
13	fears were being confirmed.	13	about Exhibit No. 3.
14	Q. Okay. Would you also characterize that as	14	THE WITNESS: Oh, this one?
15	an example of notice that you sent to your	15	MS. O'NEIL: Yes.
16	employer regarding your whistleblower	16	(Witness perusing document.)
17	claim?	17	A. My response would be the same as it was
18	A. It would also basically discuss the	18	for -- it seems like it was the same
19	hostile intentions, that I wanted this	19	action that caused both of these e-mails
20	more or less answered more as a concern to	20	to be written.
21	my health also.	21	Q. Okay. So your response would be maybe as
22	Q. Okay. Yes or no, if you could. Is it	22	well?
23	notice in your mind?	23	A. Yes.
24	A. Can you tell me what the legal definition	24	Q. Okay. Now, I am going to show you this

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1	document as well. And can you take a look	1	letter of April 17th still hasn't been
2	at it and see if you recognize it.	2	addressed.
3	(Witness perusing document.)	3	Q. And does this exhibit constitute, Exhibit
4	A. I think this is a little bit more clearer	4	No. 5 constitutes notice?
5	that that shows that --	5	A. I don't think this one does.
6	Q. Well, just do you recognize it?	6	Q. Okay. I am going to show you the second
7	A. Yes, I do.	7	to last exhibit and ask you if you
8	MS. O'NEIL: Okay. Can we have	8	recognize that document, sir.
9	this marked as Exhibit No. 4 then, please.	9	(Witness perusing document.)
10	(Document marked as Exhibit No. 4	10	A. Yes. This basically details that I was
11	for identification.)	11	looking into the specifics of the
12	Q. And Mr. Manning, what do you recognize	12	Whistleblower's Act.
13	Exhibit No. 4 to be?	13	MS. O'NEIL: Okay. Let's see if
14	A. I believe this is another request for help	14	we can have this marked as Exhibit No. 6,
15	that I really hoped that these issues	15	please.
16	could be dealt amicably and, basically,	16	(Document marked as Exhibit No. 6
17	let them know that I would have to fight	17	for identification.)
18	these actions. And I wasn't sure at this	18	Q. Now, regarding Exhibit No. 6, sir, do you
19	time which avenue I should pursue, whether	19	say that constitutes notice to your
20	it would be the Americans With	20	employer of an impending whistleblower
21	Disabilities Act or the whistleblower's	21	lawsuit?
22	from before.	22	A. It absolutely shows that where it says in
23	Q. So to ask regarding Exhibit No. 4, are you	23	the sentence right here, "I was not 100
24	saying that constitutes notice to your	24	percent sure of all the legal details of
	166		168
1	employer that you were going to be filing	1	the Whistleblower's Act."
2	a whistleblower lawsuit?	2	Q. Mm-hmm.
3	A. It definitely gives them notice that I am	3	A. So basically, it shows that I feel that my
4	going to look into all the possibilities.	4	rights are being violated.
5	Q. So would this be a maybe also?	5	Q. Okay. But do you say that constitutes
6	A. I believe this is a yes, that it shows	6	notice to your employer of an impending
7	that I am not ruling out prospective legal	7	whistleblower lawsuit?
8	action.	8	A. Well, when you use the word "impending",
9	Q. Okay. Now, if I might, sir, I am going to	9	can I change that to the possibility that
10	show you a further document and ask if you	10	that is a possibility as impending?
11	recognize this one as well.	11	MS. FRANKL: You can't change her
12	(Witness perusing document.)	12	questions, Tim.
13	A. Yes. This looks familiar.	13	THE WITNESS: I am sorry.
14	Q. Okay.	14	MS. FRANKL: You just answer her
15	A. Yes.	15	questions.
16	MS. O'NEIL: Can we have this	16	MS. O'NEIL: Right. Answer it as
17	marked as Exhibit No. 5, please.	17	best you can.
18	(Document marked as Exhibit No. 5	18	THE WITNESS: I am sorry.
19	for identification.)	19	A. I believe it shows that there is a
20	Q. And sir, what do you recognize Exhibit No.	20	possibility that there will be a
21	5 to be?	21	whistleblower's action.
22	(Witness perusing document.)	22	Q. Okay. So it shows a possibility?
23	A. Exhibit No. 5 is more or less a time line.	23	A. A possibility.
24	It is now May 22nd and I feel that the	24	Q. Okay. And lastly --

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1	document as well. And can you take a look	1	letter of April 17th still hasn't been
2	at it and see if you recognize it.	2	addressed.
3	(Witness perusing document.)	3	Q. And does this exhibit constitute, Exhibit
4	A. I think this is a little bit more clearer	4	No. 5 constitutes notice?
5	that that shows that --	5	A. I don't think this one does.
6	Q. Well, just do you recognize it?	6	Q. Okay. I am going to show you the second
7	A. Yes, I do.	7	to last exhibit and ask you if you
8	MS. O'NEIL: Okay. Can we have	8	recognize that document, sir.
9	this marked as Exhibit No. 4 then, please.	9	(Witness perusing document.)
10	(Document marked as Exhibit No. 4	10	A. Yes. This basically details that I was
11	for identification.)	11	looking into the specifics of the
12	Q. And Mr. Manning, what do you recognize	12	Whistleblower's Act.
13	Exhibit No. 4 to be?	13	MS. O'NEIL: Okay. Let's see if
14	A. I believe this is another request for help	14	we can have this marked as Exhibit No. 6,
15	that I really hoped that these issues	15	please.
16	could be dealt amicably and, basically,	16	(Document marked as Exhibit No. 6
17	let them know that I would have to fight	17	for identification.)
18	these actions. And I wasn't sure at this	18	Q. Now, regarding Exhibit No. 6, sir, do you
19	time which avenue I should pursue, whether	19	say that constitutes notice to your
20	it would be the Americans With	20	employer of an impending whistleblower
21	Disabilities Act or the whistleblower's	21	lawsuit?
22	from before.	22	A. It absolutely shows that where it says in
23	Q. So to ask regarding Exhibit No. 4, are you	23	the sentence right here, "I was not 100
24	saying that constitutes notice to your	24	percent sure of all the legal details of
	166		168
1	employer that you were going to be filing	1	the Whistleblower's Act."
2	a whistleblower lawsuit?	2	Q. Mm-hmm.
3	A. It definitely gives them notice that I am	3	A. So basically, it shows that I feel that my
4	going to look into all the possibilities.	4	rights are being violated.
5	Q. So would this be a maybe also?	5	Q. Okay. But do you say that constitutes
6	A. I believe this is a yes, that it shows	6	notice to your employer of an impending
7	that I am not ruling out prospective legal	7	whistleblower lawsuit?
8	action.	8	A. Well, when you use the word "impending",
9	Q. Okay. Now, if I might, sir, I am going to	9	can I change that to the possibility that
10	show you a further document and ask if you	10	that is a possibility as impending?
11	recognize this one as well.	11	MS. FRANKL: You can't change her
12	(Witness perusing document.)	12	questions, Tim.
13	A. Yes. This looks familiar.	13	THE WITNESS: I am sorry.
14	Q. Okay.	14	MS. FRANKL: You just answer her
15	A. Yes.	15	questions.
16	MS. O'NEIL: Can we have this	16	MS. O'NEIL: Right. Answer it as
17	marked as Exhibit No. 5, please.	17	best you can.
18	(Document marked as Exhibit No. 5	18	THE WITNESS: I am sorry.
19	for identification.)	19	A. I believe it shows that there is a
20	Q. And sir, what do you recognize Exhibit No.	20	possibility that there will be a
21	5 to be?	21	whistleblower's action.
22	(Witness perusing document.)	22	Q. Okay. So it shows a possibility?
23	A. Exhibit No. 5 is more or less a time line.	23	A. A possibility.
24	It is now May 22nd and I feel that the	24	Q. Okay. And lastly --

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1	A. Yes.	1	the misuse of federal funds?
2	Q. Go ahead.	2	A. There was an audit recently done on one of
3	A. Okay.	3	the grants in one of the fiscal years and
4	Q. And lastly, I show you this document, sir.	4	they concurred that in their opinion that
5	And do you recognize it?	5	there were total irregularities.
6	(Witness perusing document.)	6	Q. Total irregularities?
7	A. Yes, I do recognize it.	7	A. Yes.
8	MS. O'NEIL: Okay. Can we have	8	Q. What do you mean by that?
9	this marked as Exhibit No. 7.	9	A. Basically, they found a lot of findings
10	(Document marked as Exhibit No. 7	10	with the way they were handled and with
11	for identification.)	11	this group, either Crest or Best, getting
12	Q. And I will ask you the question a final	12	all the contracts.
13	time regarding the final exhibit. Does	13	Q. And do you know if there was any penalty
14	this constitute in your mind notice to	14	for this?
15	your employer that you are going to file	15	A. I haven't checked into it. I don't know
16	suit under the Whistleblower Act?	16	one way or the other. It was sent to me
17	A. No. This was dated April 3, 2003, before	17	by e-mail in, I believe, August or
18	the meeting.	18	September. And I could provide you with a
19	Q. Okay. Do you have -- do you have a memory	19	copy if you would like.
20	of any particular document in which you	20	Q. Well, you can talk to your counsel on
21	notified your employer that you were	21	that.
22	filing the lawsuit for whistleblower	22	A. Okay.
23	status or the Whistleblower Act? Excuse	23	Q. All right. So in terms of the public
24	me.	24	interest, it was the fact -- it was the
	170		172
1	A. I believe the documents would be the	1	audit of federal funds?
2	letters and e-mails.	2	A. Yes.
3	Q. Okay.	3	Q. And result of that audit is known that
4	A. And the meeting with legal counsel being	4	there were findings, but you don't know
5	present.	5	what resulted from the findings?
6	Q. Okay. Well, I am talking about in writing	6	A. Correct. The findings agreed to what my
7	now, sir.	7	concerns were about the misuse of funds.
8	A. Again, I would refer to the e-mails and	8	Q. Okay.
9	the letters.	9	A. With the group, same group of consultants
10	Q. Okay. The exhibits?	10	getting work. As a matter of fact, the
11	A. Typewritten, yes.	11	Medical Examiner is one of the agencies
12	Q. The exhibits that have been put before	12	they looked at. And they came to the same
13	you?	13	negative conclusions.
14	A. Correct.	14	Q. I am sorry. This audit of federal funds
15	Q. Okay. Now --	15	was not an audit of federal funds
16	A. The ones I answered yes to or probably.	16	specifically for the Office of the Chief
17	Q. Okay. Very good. I am going to ask you	17	Medical Examiner?
18	this. Just if you would, what issues of	18	A. That was one of the agencies they looked
19	public interest do you say you were	19	at.
20	bringing up regarding your whistleblower	20	Q. So this was an audit of several agencies
21	claim?	21	in the Executive Office of Public Safety?
22	A. The misuse of federal funds.	22	A. It was actually, I believe, four towns and
23	Q. Mm-hmm. And what was that, do you know	23	the Office of Chief Medical Examiner. I
24	what the result of that claim was about	24	believe there was five areas they looked

Exhibit H

CONFIDENTIAL

Bryson, Joe (CME)

From: Faherty, Jackie (CME)
Sent: Tuesday, April 08, 2003 8:55 AM
To: Manning, Timothy (CME); Evans, Richard (CME)
Cc: Bryson, Joe (CME)
Subject: RE: Salary Issue/ Form 30 Job Description

EXHIBIT

NO. 2

2/14/05 CF

Tim,

I would be happy to speak with you about your concerns. I will be out of the office most of today. Would you like to talk tomorrow mid-morning?

-----Original Message-----

From: Manning, Timothy (CME)
Sent: Monday, April 07, 2003 4:40 PM
To: Evans, Richard (CME)
Cc: Faherty, Jackie (CME); Bryson, Joe (CME)
Subject: Salary Issue/ Form 30 Job Description

Dear Dr. Evans,

Last week I asked to meet with you regarding several personnel issues, and also asked if you would kindly verify that you received that communication. I was also asked by John Cronin to immediately fill out an EPRS form with a new form 30. I have not received any response from you. I have made myself available late at night and have also requested to meet you at your earliest convenience, even if this was during non-scheduled work hours. This continued unresponsiveness has caused personal discomfort and stress.

As discussed with both Jackie and Joe, I believe that these numerous issues can be discussed amicably, and I am requesting immediate closure. The status quo does not make much sense, and I am beginning to believe that these acts and errors may have hostile intentions. Could you please meet with me and I will provide a detailed breakdown of these issues, i.e. my date of hire and date of entry into the State changed in my history.

Thank you.

Tim Manning

CONFIDENTIAL**Bryson, Joe (CME)**

From: Manning, Timothy (CME)
Sent: Thursday, April 03, 2003 10:22 AM
To: Evans, Richard (CME); Faherty, Jackie (CME); Platt, Edith (CME)
Cc: Bryson, Joe (CME)
Subject: EPRS

EXHIBIT

NO. 3

2/14/05 CF

I felt that I was a target before I wrote that letter, but now I am convinced. At approximately 10:05 John Cronin needed to get my EPRS downtown, today! Guess timing is everything in life. I think you will all agree that the current cloud of uncertainty regarding these issues. Not only does the job description need to be addressed, but I was still under the impression that Lt. Platt was my supervisor. Please clarify these issues so I can honor John Cronin's request.

Thank You
Tim

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~~CONFIDENTIAL~~**Bryson, Joe (CME)**

From: Cronin, John (CME)
Sent: Tuesday, May 13, 2003 3:26 PM
To: Manning, Timothy (CME); Faherty, Jackie (CME)
Cc: Evans, Richard (CME); Bryson, Joe (CME)
Subject: RE: Telephone Conversation

EXHIBITNO. 42/14/05CF

Tim, Jackie and I would like to meet with you tomorrow morning at 10:00AM to discuss your concerns. Please confirm your availability.

-----Original Message-----

From: Manning, Timothy (CME)
Sent: Tuesday, May 13, 2003 2:30 PM
To: Faherty, Jackie (CME)
Cc: Cronin, John (CME); Evans, Richard (CME); Bryson, Joe (CME)
Subject: Telephone Conversation

Jackie-

This correspondence is to acknowledge today's telephone conversation. It appears that the immediacy of my personnel issues, per attached memo to Dr. Richard Evans, as they pertain to both my career and health are not a priority as-of now. I was informed that you were going to check with John Cronin about the status.

I am confused because correspondence from Mr. John Cronin (4/30/2003 @ 9:36a.m.) stated that you and John were "currently reviewing your personnel file". Also, Mr. John Cronin in his correspondence (4/17/2003 @ 5:10 p.m.) states "we'll discuss other project options that make use of your skills in finance", referring to my budget duties arbitrarily being taken away. But most importantly your correspondence sent to Mr. Joe Bryson and myself (4/08/2003 @ 11:48a.m.) stating "I would be happy to meet next week as well". This memo is also meant to document that absolutely nothing has taken place as indicated, including my request of certain documents from my personnel file (reviewed in your presence on 2/11/2003). I believe the status-quo is not an acceptable solution when it comes to someone's career , mental and physical health.

I am disappointed that you are familiar with the Massachusetts Labor Laws, Federal Laws as they relate to "Family and Medical Leave Act (FMLA) , The American With Disabilities Act (ADA), yet these issues continue to be ignored by requests sent via correspondence to Dr Evans, John Cronin and yourself. I hoped that this management team would understand how serious these issues are. This is the reason in this conversation I have asked whom is in charge of this agency at EOPS, and if I had the right to make them aware of this situation. Your response was Robert Haas, and I had a right to do anything I wanted.

Again, I am stating that this hostility and isolationism are adversely affecting my health. I am also requesting that Mr. Robert Haas receive all correspondence of this very serious matter.
Thank you,

TIM

Exhibit I

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1	Q. Oh, it is into 1998?		
2	A. See, 1997, I basically decide, you know,		
3	when I come back from my leave, I run in		
4	the hallway into Mark Fairbank and Doctor		
5	Evans. "Oh, you've been moved."		
6	And I got upset because my		
7	personal things were moved too, my		
8	pictures of my children. And I basically		
9	said, you know, they had talked to me		
10	about telecommuting, working at home.		
11	Q. They offered that to you?		
12	A. They wanted to offer that to every,		
13	everybody at the agency.		
14	Q. And so it would be available to you?		
15	A. They were working on that. They basically		
16	told me I would be doing special projects.		
17	And I actually went out and, for instance,		
18	the new vehicles that they have also with		
19	federal money, the Mass. Disaster		
20	vehicles, I remember going to Rhode Island		
21	on a project to get the specs for those.		
22	Q. Okay. Well, you mentioned the new		
23	vehicles, Mass. Disaster vehicles.		
24	Those are the SUV's you are		
		74	
1	talking about, aren't they?		
2	A. No. They also got huge they're like		
3	refrigerator trucks that are parked.		
4	Q. Did they arrive at the same time as the		
5	SUV's?		
6	A. No. Later. At a later date.		
7	But anyways, in this room, you		
8	know, I had finally, you know, realized		
9	that when they told me that basically they		
10	would give me a project and, you know,		
11	tell me, Well, you didn't have to show up		
12	to work the next day, or whatever like		
13	that, I just became kind of suspicious of		
14	their intentions.		
15	Q. So when you returned from bereavement		
16	leave --		
17	A. Correct.		
18	Q. You realized that your office had been		
19	moved?		
20	A. Moved, I was like -- I run into Doctor		
21	Evans and Mark Fairbank. And Mark had a		
22	big smile on his face and said, "You're		
23	going to be sitting here."		
24	And this is just space, it is		
		75	
1	down here to the right that was just like		
2	slide tissues. It was like a dump. It		
3	looks pretty nice now, but at that time it		
4	was a dump.		
5	Q. So that upset you?		
6	A. Yes, it did.		
7	Q. Okay. And in response to that, what did		
8	you do?		
9	A. When I got in touch with -- I talked to		
10	Mrs. Greeley. And Greeley --		
11	Q. Yes?		
12	A. In the meantime, the techs had found out		
13	that I was pretty upset and they were		
14	giving me information that was pretty		
15	unbelievable as far as we already talked.		
16	I think that the word they used is		
17	pericardium, that pericardium was being		
18	taken without permission, without the		
19	knowledge of the families.		
20	Q. And what families had loved ones whose		
21	pericardium was taken, harvested		
22	inappropriately?		
23	A. Their assumptions were that it was being		
24	taken in a random basis; that because		
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1	people weren't watching, they were taking		
2	it.		
3	Q. So they couldn't name a single corpse that		
4	had the pericardium taken?		
5	A. There is a single event that Derryck Sheen		
6	brings to my attention that a friend of		
7	his was riding his bicycle in Boston and		
8	had an accident. And the family was up on		
9	their way from I am not sure if it was		
10	Puerto Rico, Haiti or whatever. And he		
11	was on life support. And by the time they		
12	got there, his organs were already		
13	harvested.		
14	And when I told, when I met with		
15	Hayden in 1998, he basically wanted to		
16	meet with Derryck Sheen.		
17	Q. Okay.		
18	A. So I arranged that.		
19	Q. Did that meeting go forward?		
20	A. We met at Linda Mae's. It was Susan		
21	Prosnitz, myself, Derryck Sheen, and Bob		
22	Hayden, Under Secretary Hayden. And they		
23	had suggested we meet at Linda Mae's. I		
24	don't -- I believe it is closed now -- in		

Exhibit J

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1	A. It eventually would. I am not sure at the 2 time that they were still Unit 1's. But 3 basically, it is a very -- when there is 4 only a few employees in an agency, I mean 5 you hear about a lot of people's 6 complaints, you know, whether they have 7 only got 15 minutes for lunch or 55 8 minutes for lunch or whatever the case may 9 be. So it was to everyone's best 10 interests down there to let everyone know 11 what was going on.	1	procedures when an individual is on life 2 support at Boston Medical Center, what 3 does the Chief Medical Examiner do in that 4 circumstance?
12	Q. When you say it was to everyone's best 13 interests, who are you referring to?	5	A. Assume that they are deceased now. The 6 Medical Examiner would get a phone call, 7 basically, with the intentions of getting; 8 A, to see if, A, it had to be autopsied; 9 or B, could just be viewed; or C, if the 10 family doctor could sign off on the death. 11 So they have a list of criteria that, 12 basically, it gives different examples of 13 which cases always have to be autopsied or 14 which cases didn't need to be autopsied.
15	A. To the employees. Their main concern --	15	Q. And who would call the Medical Examiner 16 with this information?
16	Q. Okay.	17	A. I believe it would be the doctor that was 18 involved, the treating, the doctor 19 involved in treating the patient.
17	A. To the employees.	20	Q. Okay. So the treating doctor would call 21 the Medical Examiner and explain the 22 situation; and then the Medical Examiner 23 could give permission?
18	Q. Okay. Well, just so I am clear because we 19 seem to be putting two issues together --	24	A. Correct.
20	A. Okay.		
21	Q. And connecting them with TBI.		
22	A. Okay.		
23	Q. The one issue, though, regarding this 24 organ harvesting that you speak of, which sounds horrific, that wasn't Doctor Evans?		
	90		
1	He did not perform the -- he did not -- 2 excuse me. I am trying to think of the 3 word.	1	Q. Based on the information from the call?
4	He didn't practice at Boston 5 Medical?	2	A. Right. And the complaint that the 3 employees had was these first calls were 4 going to a Tissue Bank International 5 employee, whose primary objective was to 6 get as many organs as they can for bonuses 7 and --
8	A. He didn't practice at Boston Medical, but 9 it was my information at that time that 10 there had to be a Medical Examiner or 11 Chief Medical Examiner or whatever to give 12 the okay for the harvest.	8	Q. Are you familiar with the fact that Tissue 9 Bank International, TBI has received 10 national awards for its program?
13	Q. Okay.	11	A. Yes, I am. They used to show us movies 12 all the time. A few times they would 13 bring in and show movies.
14	A. I mean because a lot of times --	14	Q. Okay. And now I'll just digress for a 15 second. But you do understand the idea of 16 harvesting organs for transplant is not a 17 bad one?
15	Q. Well, do you know the procedure for a 16 Chief Medical Examiner to okay a 17 harvesting?	18	MS. FRANKL: Objection. You can 19 answer. You can answer.
18	A. One of the things that was talked about a 19 lot was whether the Attorney General's 20 Office was going to be involved.	20	A. Legally, I am all for it.
21	Q. Okay.	21	Q. Okay. So you don't see anything 22 fundamentally wrong with harvesting 23 organs?
22	A. I mean whether there could be a case.	24	A. Absolutely not. I just want the public to
23	Q. That is okay. Let's go to the procedures now.		
24	A. Okay.		
	Q. As I understand it, what are the		

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1	oversight of many of the laptops and computers.	1	A. And the other thing that we talked about --
2	Q. Okay.	2	Q. Well, let me ask you this. You are saying
3	A. And gadgets disappeared.	3	that this person stole equipment from the
4	Q. So it was a management issue, not a	4	state, put it on EBay, and wasn't
5	criminal issue?	5	prosecuted?
6	A. I don't think that is my, my discretion to	6	A. Allegedly. I didn't follow the case.
7	make.	7	Q. What do you mean allegedly?
8	Q. Well, you're a citizen. Did you think	8	A. Allegedly, there was a credit card that
9	that somebody was stealing state property?	9	was used for a Melissa Christie.
10	A. Absolutely.	10	Q. Okay. So this is Melissa Christie who was
11	Q. Did you call the police?	11	doing all this?
12	A. Did I call the police, no. But I let	12	A. No. It was her credit card, I guess, the
13	Public Safety know when I met with them	13	person used.
14	that one of the things that happened in	14	Q. Okay. Well, what I am asking you, sir, is
15	there was, I would rather not use the	15	who is it, who did you see or who do you
16	gentleman's name if that is okay, \$32,000	16	have evidence that took, for instance, the
17	comes into the Chief Medical Examiner's	17	digital camera from the Office of the
18	Office and the person takes approximately	18	Chief Medical Examiner and put it on EBay?
19	half, \$16,000.	19	A. I don't have evidence. That is what I was
20	Q. Before we get into that one, I want to go	20	told.
21	back to the digital camera and such.	21	Q. By whom?
22	A. Okay.	22	A. By employees of the office.
23	Q. Who took them?	23	Q. All right. So word around the office is
	110		112
1	A. I don't know who, who would -- I know I	1	somebody is stealing stuff and putting it
2	didn't take anything.	2	on EBay?
3	Q. Okay. So you don't know if anyone took	3	A. Correct.
4	them, you don't know who took them, if	4	Q. Okay.
5	they were taken?	5	A. And was ultimately fired.
6	A. Yes, I do.	6	Q. And this is somebody that doesn't even
7	Q. You do know?	7	work for the office; they are a TBI
8	A. Yes.	8	employee?
9	Q. What do you know?	9	A. Correct.
10	A. There was an employee of Tissue Bank	10	Q. Now, you mentioned the 30,000 something
11	International.	11	dollars that went missing or part of it
12	Q. Mm-hmm.	12	went missing?
13	A. Who allegedly was taking digital cameras,	13	A. Yes. Basically, what happened was one of
14	other stuff. I believe it was Doctor	14	my complaints, as we discussed earlier,
15	Zain's that disappeared.	15	was this regime bringing people into the
16	Q. Okay.	16	Agency.
17	A. And allegedly, he was found selling them	17	Q. Yes.
18	on EBay. And you can check your files,	18	A. Well, one of the persons that Richard St.
19	but I believe that that person wasn't	19	Louis had the Agency hire was this fellow
20	prosecuted. The other --	20	who, talking to the supervisor, couldn't
21	Q. Well, who would prosecute that person?	21	understand why since he had so many
22	A. I would think either the DA for Suffolk or	22	medical issues they would hire this
23	the Attorney General's Office.	23	person. So because he had medical issues,
24	Q. Okay.	24	what they did was they accommodated him,

Exhibit L

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1	also working for Tissue Bank		1	asked and requested that they keep, you
2	International. So I really can't answer		2	know, not do anything to the body.
3	that question as far as --		3	Q. Okay.
4	Q. Well, I think you have answered my		4	A. And keep the body.
5	question, but let's be clear.		5	Q. Request it of whom?
6	A. Okay.		6	A. Of Boston Medical Center. Boston City
7	Q. Was this corpse ever -- excuse me. Was		7	Hospital, it was called at the time.
8	this individual ever on life support at		8	That nothing be done, that they
9	the Office of the Chief Medical Examiner		9	were on their way, and they just wanted to
10	at Albany Street?		10	say their last good-byes.
11	A. No. No one is on life support at the		11	Q. Okay.
12	Office of the Chief Medical Examiner at		12	A. And to keep him alive on life support.
13	Albany Street.		13	When they got there, that didn't happen.
14	Q. So the activities of this allegedly		14	Q. Okay. Did Derryck Sheen say to you that
15	inappropriate harvesting occurred at		15	they called Doctor Evans or a member of
16	Boston Medical Center?		16	the Chief Medical Examiner's staff?
17	A. Exactly.		17	A. I don't recall.
18	Q. And we are clear that the Chief Medical		18	Q. Well, did you speak to Doctor Evans about
19	Examiner's autopsy room is not Boston		19	such a gory tale that organs were being
20	Medical Center?		20	harvested before a family could say their
21	A. Yes, we are clear.		21	last good-byes to a family member?
22	Q. Okay. And we are clear that Doctor Evans		22	A. No.
23	did not harvest any organs over at the		23	Q. Okay. Now, Derryck Sheen relayed this
24	Boston Medical Center?		24	information to you?
		82		
1	A. I -- I can't answer that. I am not sure		1	A. Yes.
2	if they had his permission or didn't have		2	Q. Okay. Why, if you know?
3	his permission or whether he was actually		3	A. He had known that either I was intending
4	there.		4	to go downtown to Public Safety or I had
5	Q. No, no. That he actually harvested the		5	gone downtown to Public Safety.
6	organs.		6	Q. What does that mean?
7	Do you believe that Doctor Evans		7	A. Regarding irregularities at the Chief
8	went to Boston Medical Center and		8	Medical Examiner's Office.
9	harvested organs?		9	Q. So word was out at the Chief Medical
10	A. No, I don't believe that.		10	Examiner's Office that you were going
11	Q. Okay. Do you believe that --		11	downtown to talk about problems there?
12	A. I don't believe that.		12	A. Correct. I mean Erin Greeley knew about
13	Q. Okay.		13	it. It was her mom that set up the
14	A. I don't know.		14	meeting.
15	Q. At any time?		15	Q. Okay.
16	A. I don't believe so.		16	A. Jay St. Ives actually drove me down there.
17	Q. Okay. Now, excuse me. You mentioned that		17	And Derryck was aware that I cared what
18	the family of this unnamed individual		18	was happening at the Chief Medical
19	spoke to Derryck Sheen.		19	Examiner's Office.
20	A. Yes.		20	Q. Okay. So when he heard that you were
21	Q. Okay. And what was the conversation that		21	heading downtown, as you phrase it, he
22	they had with Derryck Sheen, if you know?		22	told you put this on the list of things to
23	A. The information I got is through Derryck		23	talk about with the Under Secretary?
24	Sheen, basically, that, you know, they had		24	A. He had already told me that and I had said
		83		
		84		

Exhibit M

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1	Q. You mentioned an FBI investigation.	1	MS. FRANKL: Thank you.
2	A. Yes, I did.	2	THE WITNESS: Thank you.
3	Q. Okay. Were you -- at what point did you	3	(At which time the matter was
4	become involved in the FBI investigation?	4	concluded at 12:05 p.m.)
5	A. When my attorney contacted me and told	5	
6	both Joe and myself that they wanted to	6	
7	meet with us.	7	
8	Q. Okay. And is it your understanding that	8	
9	the FBI investigation had been ongoing at	9	
10	that point?	10	
11	A. It was my understanding that it had gone	11	
12	on from that point, yes.	12	
13	Q. So it is your understanding that the FBI	13	
14	had begun investigating these issues that	14	
15	you addressed with the federal grants	15	
16	prior to meeting with you?	16	
17	A. Yes.	17	
18	Q. Okay. And just quickly, you mentioned	18	
19	meeting with a Mark, was it Mark Delaney	19	
20	of the AG's Office?	20	
21	A. Yes.	21	
22	Q. And he was a lieutenant, you stated?	22	
23	A. I believe he was a lieutenant at the time.	23	
24	Q. Okay. How often did you meet with him?	24	
	182		184
1	A. Once. And then after this meeting when	1	Excerpt from Rule 30(e):
2	Mr. Cronin asked to see my whistleblower's	2	Submission to Witness; Changes; Signing.
3	card, I gave him a call. So I talked to	3	
4	him once at his office at the AG's Office	4	When the testimony is fully
5	and once by telephone in May of 2003.	5	transcribed, the deposition shall be
6	Q. And do you know what, if anything,	6	submitted to the witness for examination
7	resulted from those conversations with	7	and shall be read to or by him, unless
8	Mark Delaney?	8	such examination and reading are waived by
9	A. I don't.	9	the witness and by the parties. Any
10	MS. O'NEIL: Okay. I don't have	10	changes in form or substance which the
11	any further questions.	11	witness desires to make shall be entered
12	MS. FRANKL: I have no questions.	12	upon the deposition by the officer with a
13	MS. O'NEIL: Great.	13	statement of the reasons given by the
14	COURT REPORTER: Ms. Frankl, do	14	witness for making them.
15	you want a copy of the transcript?	15	*****
16	MS. FRANKL: I do.	16	
17	MS. O'NEIL: Thank you very much.	17	I, TIMOTHY J. MANNING, III, have
18	MS. FRANKL: Thank you.	18	examined the above transcript of my
19	COURT REPORTER: So I will e-mail	19	testimony and it is true and correct to
20	you the transcript and send it to you	20	the best of my knowledge, information and
21	tomorrow morning. Ms. Frankl, do you want	21	belief. Any corrections are noted on the
22	yours e-mailed and sent for tomorrow too?	22	errata sheet.
23	MS. FRANKL: Yes, please.	23	Signed under the pains and penalties
24	MS. O'NEIL: Thank you.	24	of perjury this day of , 2005.